

AF  
GP3711

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/396,530
	Filing Date	9/15/99
	First Named Inventor	Randall A. Addington
	Group Art Unit	3711
	Examiner Name	William Pierce
	Attorney Docket Number	00-1002
Total Number of Pages in This Submission		

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <p>Appellants' Reply to Examiner's Substitute Answer Return Post Card</p>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joel I. Rosenblatt
Signature	
Date	March 1, 2001

RECEIVED  
MAR -9 2001  
TC 3700 MAIL ROOM

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 3/1/2001	
Typed or printed name	Joel I. Rosenblatt
Signature	<i>Joel I. Rosenblatt</i>
Date	March 1, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



E. Chasen

3-9-01

13/Reply Brief

5 Application Number: 09/396,530

Group Art Unit: 3711

Filing Date: 9/15/99

Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1002

10

Title: Method For Improving Bowler's Control

RECEIVED  
MAR -9 2001  
TC 3700 MAIL ROOM

15 Assistant Commissioner of Patents  
Washington, D.C. 20231

APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants Supplemental Reply Brief

20

This Supplemental Reply is made in response to the Substitute Examiner's Answer, Paper No. 9, Mailed Feb. 22, 2001.

25

The Substitute Examiner's Answer Should Not Be Entered In This Record Or Otherwise Considered In This Appeal

30

37 CFR 1.191 et seq. and in particular Sec. 1.193 (b)(1) Examiner's answer and reply brief, requires after Appellant has filed a Reply, that

35

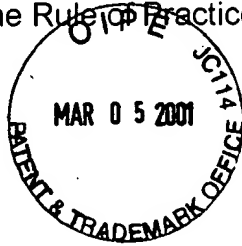
The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief. A supplemental examiner's answer is not permitted, unless the application has been remanded by the Board of Patent Appeals and Interferences for such purpose.

40

Appellant has filed an Appeal Brief and Examiner has filed an Examiner's Answer. See Paper No. 9. In reply, Appellant has filed a Reply Brief which has been entered. See Paper No. 9, page 2, 1<sup>st</sup> paragraph. Under Rule 193(b)(2), Examiner is ordered to acknowledge receipt and entry of the reply brief or reopen prosecution. No supplemental examiner's answer is permitted. Examiner must not answer the Reply Brief unless he first reopens prosecution. Clearly Examiner has made his choice not to reopen prosecution and

5 no answer to the Reply Brief is permitted, regardless of how Examiner chooses to identify it.

Accordingly, this Supplemental Reply Brief should be entered and considered for the limited purpose of objecting to the entry or consideration of Examiner's Substitute Answer as unlawful and a violation of the Rule of Practice 37 CFR 1.193, and Appellants' due process and equal protection rights.



Respectively, submitted,

*Joel I. Rosenblatt*  
Attorney for Appellants

Joel I. Rosenblatt

Registration 26,025

445 11<sup>th</sup> Ave.

Indianapolis, Florida 32903

321-727-7626; Fax: 727-8209

Email: [jrosenblatt@mindspring.com](mailto:jrosenblatt@mindspring.com)

RECEIVED  
MAR - 9 2001  
TC 3700 MAIL ROOM